

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-cv-479-RJC

<b>JEROME JOLLY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	<b><u>ORDER</u></b>
<b>AMERICAN GENERAL FINANCE,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** comes before the Court on Plaintiff Jerome Jolly's Motion to Dismiss without Prejudice, (Doc. No. 7), filed on January 22, 2013.

Pro se Plaintiff filed his Complaint, (Doc. No. 1), on August 1, 2012. On August 29, 2012, the Court ordered Plaintiff to complete a civil summons and deliver the same to the Clerk of Court. (Doc. No. 5). Plaintiff instead filed an Amended Complaint on October 17, 2012. (Doc. No. 6). Plaintiff was again ordered on January 22, 2012 to complete a civil summons and deliver the same to the Clerk of Court within thirty days.

On January 22, 2013, Plaintiff filed a Motion to Dismiss without Prejudice. (Doc. No. 7). In his Motion to Dismiss, Plaintiff "moves the court to dismiss this case without prejudice as it was filed prematurely." (*Id.*). However, on February 5, 2013, Plaintiff appeared in the Clerk's Office with a completed civil summons and asked for the summons to be served on Defendant. Plaintiff indicated that he did not wish his case to be dismissed after all, to which the employee in the Clerk's Office responded that he would need to file a Notice of Withdrawal of the Motion to Dismiss. The Court entered a text order on February 6, 2013, staying service of the Complaint

and warning Plaintiff that he must file a Notice of Withdrawal of his Motion to Dismiss within seven (7) days or the Court would dismiss his Complaint without Prejudice. Plaintiff failed to withdraw his Motion to Dismiss, and the time for doing so has now expired.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion to Dismiss, (Doc. No. 7), is **GRANTED** and his Complaint, (Doc. No. 1), is **DISMISSED** without prejudice. The Clerk of Court is directed to close this case.

Signed: February 20, 2013

  
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Robert J. Conrad, Jr.  
Chief United States District Judge